

1885-023 Chancery Causes: Harvey W. Hall vs. Jeremiah Harber &c
Lee Co.

Fulkerson, Daugherty, Thomas

CA-Debt
T-Property

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County, Virginia

Your Orator Harvey M. Hall a citizen of
said County humbly complaining respectfully sheweth
unto your Honor that on the 31st day of January 1877
he obtained before one E. H. Russell then a justice of
the peace for said County a judgement at law against
one Jeremiah Harber and Josiah Thomas for the
sum of \$50.00 with legal interest thereon from the
first day of January 1877 till paid, and the costs
of \$1.00 for prosecuting his said Warrant to judgement.
The Original warrants in that case, the said Judgt
and the execution which issued thereon is herewith
filed as a part of this bill Marked (A) on the
back of which is a credit of \$100 paid thereon, and
this is the only sum ever paid on said judgement. So
that said sum of \$50.00 with its accruing interest
is still due and owing to your Orator from said Harber
and said Thomas. The said judgement your Orator
has caused to be docketed in the clerks office of the
County Court of Lee County, and indexed in the name
of the proper parties so as to operate as constructive
notice to all.

Your Orator states that upon an execution which issued on said judgment, there is endorsed thereon by George E. Brunk then a constable of this county a return in the following words and figures. "No property found March 20 1877. George E. Brunk, Const."

Your Orator further states that at that time ^{said Judge was rendered} the said Harber and said Thomas were both insolvent and the latter continues so to be, and at the time both were citizens of Lee County Virginia, But since that time, the said Jeremiah Harber has removed to the State of Kentucky and is now a resident thereof and has been such for the last two or three years.

Your Orator further states that in July 1882 one Charles Daugherty departed this life ^{in this county} intestate and without issue, leaving a large and valuable tract of land lying in said county of Lee and on both sides of the main road about 15 miles west of the Court House and he also left a large and valuable personal estate amounting to several thousand dollars, but the precise amount thereof your Orator cannot state.

Your Orator further states that L.D. Fulkerson was appointed executor of the said Charles Daugherty's estate and as such has received large sums of money which is now in his hands, for the payment of debts or for distribution

Your Orator further states that in a suit recently decided in your Honor's court, it was ascertained and determined that the heirs of one Elias Harber dead, were entitled to the entire real and personal estate of the said Charles Daugherty dead. And your Orator here states that the said Jeremiah Harber is one of the children and heirs at law of said Elias Harber and is one of the heirs of said Charles Daugherty dead, and as such, and by the terms of settlement made in the suit referred to, the said Jeremiah Harber is entitled to one undivided fourteenth part of the real and personal estate of the said Charles Daugherty dead.

Your Orator states that his said judgment operates as a lien on the real estate which thus descended to the said Jeremiah Harber, and he is advised that the said Jeremiah Harber's entire interest in said real and personal estate, or so much thereof as is necessary for that purpose, is liable to be taken and applied by a court of equity, to the payment of your Orator's said judgment, and to attain that end is the object of this suit. Your Orator's prayer therefore is, that said Jeremiah Harber, Josiah Thomas, and L.D. Fulkeson, curator of the estate of said Charles Daugherty deceased,

he made party defendant to this bill, and he required
to answer the same fully and truly on Oath. That
said Fulkerson answer and say how much money
there is in his hands which is or may become due
the said Jeremiah Harber. That process of foreign
attachment be issued against said Harber and laid
upon said real and personal estate so as to hold the
same subject to the order of your Honor in the premises
that order of Publication be entered posted and published
against said Harber and upon a final hearing of
the cause a decree be rendered in favor of your Orator
against said Harber and Thomas for said sum of
\$50.00 with interest from January 1-1877 till paid, and
the costs of this suit, that the real estate which the
said Harber thus inherited, or so much thereof as is
necessary be decreed to be sold to pay your Orator
said judgment and costs. or if deemed more advisable
that said Fulkerson be directed to pay your Orator
the amount of said judgment and costs, out of the
Money in hands due or to become due said Harber
and your Orator prays for all general relief. May come
whereunto writ of Spem. is now directed &c.

Henry J. Morgan for Plff

C 6. 04 to Mr. 1884
 S .50
 P 5.00
 A 15.00
 Dec 6 50
 \$27.04

Harvey M. Hall

vs. { Bill + F. Attachment

Jeremiah Barber vs

1883. Sept 25th Bill Filed

" Oct 2nd Spa Aid + O.P.

" Nov, cont'd for O.P.

" Dec, O.P. Completed,

+ Cause set for hearing.

" Nov. Term order cont'd.

1884 Mr. Decree + Cont'd

" Aug Decree + Cont'd

1885: Mr. Decree final

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia:

The answer of L. D. Fulkerson to a bill
filed in this Honorable Court against him & Jeremiah
Harber by Harvey M. Hall.

Respondent says he knows nothing about the
judgment sought to be enforced by the bill against his
co-deft Harber, he supposes it is true however that
the latter is one of the heirs at law of Charles Daugherty
deceased. And that as such he inherited
one undivided fourteenth part of said Daugherty's
real and personal estate. But as to how much
of said personal estate said Harber may be entitled
to, this respondent cannot now state.

Respondent says he is curator of said Daugherty's
estate, and as such there has come into his hands
some ~~fifteen~~ ^{five} thousand dollars, and in all proba-
bility something more may yet come into his hands as
such, but he cannot now say precisely how much he
has already received, or how much will hereafter
come to his hands. Respondent is informed that
the legates under the will of Pally Daugherty late
widow of said Charles Daugherty are entitled under

the law of the land to one half of such personal estate as may remain after the payment of debts & charges and that the remaining half will have to be subdivided into fourteen equal parts of which his co-deft will be entitled to one of these parts or shares

Respondent further says that Chas. Daugherty was during his life admr. of John M. Beatys estate, and died without having fully settled up the matters of that estate, and that recently some of the heirs of said Beaty have brought suit for a settlement of the matters of that estate, and are claiming that a considerable sum is due them from said Daughertys estate, but as to how this may be respondent cannot state. These being facts respondent is advised that until these matters are all settled he cannot with safety to himself admit that there is any thing in his hands due or owing to his co-deft Harber.

But in addition to this said Harber has already drawn orders on respondent in favor of J. M. Balis & C. E. Bayler for debts due them amounting to some \$50.00 or \$100. - The exact amount not now known, which is an appropriation to that extent, of any personal estate that may be due said Harber from this respondent.

Any personal estate which may be found ultimately
found due said Barber in respondents hands, he
is both ready and willing to pay to whomsoever
your Honor may direct

Respondents having now answered as fully as
demanded necessary prayers to be hence dismissed:

L. D. Fulkerson
Clerk

L.D. Fulkerson Curator

as. } Answer

Harvey M. Hall

Filed Aug 1884

J. A. St. John
clerk

I Harvey M. Hall plaintiff in a certain chancery
suit instituted by me in the circuit court of Lee
County Va. against Jeremiah Harber & L. D. Fulkerson
do swear that in said cause I verily believe that
I ought to recover in said suit against said Harber
the sum of \$50.00 with legal interest thereon from the
first day of January 1877. till paid. That said sum is
now justly due and owing to me from said Harber.
That I have present cause of suit against him for
the same, that he is a non resident of the state
of Virginia, but that said Harber now owns real
estate situated in said County of Lee. and that L. D.
Fulkerson Curator of the estate of Charles Daugherty
decd has in his hands personal estate due, or to
become due said Jeremiah Harber. so help me God.

Sworn to before me by H. M. Hall. H. M. Hall
this 1st day of Octo, 1883.

J. A. Hyatt
clerk

Harvey M. Hall

25 3/4 Aff'd for Attachment

Jeremiah Harbert

Virginia, Lee County---to wit :

To *George E Brunk* Constable for said county :

I hereby command you to Summon *Jeremiah Harber and Josiah Thomas*

If to be found in in your district, to appear at *E H Russell* in the said county on the

31st day of *January* 1877, before me or such other Justice of said county as may then be there to

try this warrant to answer the complaint of *Harry M Hall* and upon a claim for

money not exceeding \$50.00, exclusive of interest, to wit : for the sum of \$ *50.00* due by *12th* and then and

there make return of this warrant. Given under my hand, this the *25th* day of *January* 1877.

E H Russell J. P.

H M Hall } *31st* day of *January* 1877.
Jeremiah Harber & Josiah Thomas } [In Debt,] at *E H Russell*

JUDGEMENT that the Plaintiff recover of the Defendant \$ *50 00* , with interest from the *1st* day of

January 1877 , till paid, and \$ *1 00* for costs. *E H Russell* J. P.

VIRGINIA. LEE COUNTY, TO WIT:—To *G E Brunk* Constable of said county :

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of *Jeremiah Harber*
and *Josiah Thomas* in your county, you cause to be made the sum of \$ *50 00* with interest thereon

from the *1st* day of *January* 1877, till paid, which *H M Hall*

has recovered before *me* in a warrant in debt, and also the sum of \$ *1 00*

which were adjudged to the said *H M Hall* for costs in prosecuting *his* said warrant

Given under my hand, this the *31st* day of *January* 1877.

E H Russell J. P.

do the with in one dollar

24 m Hull
vs Fermierak Harber

Executed January
31st 1877

George E Brunk cons
No property found marsh
the 20th 1877
George E Brunk cons

(A)

Filed & Docketed
Sept 17 1883

J. R. Gibson clerk

Lis pendens

Harvey M. Hall

vs.

Plff In Chy & F. attachment

Circuit Court Lee

Jeremiah Harber & Deft County Va.

The style of this suit now pending in the Circuit Court of Lee County is as above stated, and the object is to recover of the defendant Harber who is a non resident the sum of \$50.00 with legal interest from Jan 1st 1877. till paid and costs, and to subject to the payment thereof, one undivided fourteenth part of the real and personal estate of the late Charles Daugherty dead. now owned by the Deft Jeremiah Harber. which has been lined on by process of foreign attachment. The real estate so attached is $\frac{1}{14}$ th of the land on which said Daugherty lived at his death and $\frac{1}{14}$ of his personal estate in the hands of L. D. Fulkerson his curator

Harvey M. Hall by

Henry J. Morgan

Virginia

Lee County Courts Clerk's office, October 3rd 1883.

The foregoing Lis pendens against Jeremiah Harber was this day filed in this office and admitted to record. Lest -

J. H. Hyatt, C. C.

Harvey M. Hall

or { *Lis. pendens*

Jeremiah Harbor, Cal.

Recorded in Seed
Book No. 20 P. 289

J. A. Hyatt & Co.

October 3/883

Virginia

In the Clerk's Office of the Circuit Court
for Lee County at the Court House thereof
on the 1st day of October 1883.

Harvey M. Hall

Deff

^{vs} ~~Harber~~ ^{Jeremiah Daugherty et als} Defts } Civ. Chancery

The object of this suit, is to recover
against the Defendant Harber the sum of \$50.00
with interest from the 1st day of January
1877, till paid, and also \$1.00 as cost ~~in J. P.~~
~~court~~ recovered before a Justice of the Peace,
and to subject to the payment thereof 1/4 of
the real Estate lately owned by Charles Daugherty
dec'd, and the personal Estate belonging
to the Defendant Harber which may be in
the hands of L. J. Fulkerson Curator of the
Estate of Charles Daugherty dec'd; and
it appearing from an affidavit filed
in this Cause the defendant Harber
is a non resident of this state: — It is
Ordered that he appear here within one month
after due publication of this order to do what
may be necessary to protect his interest in this
suit.

J. A. Syatt
Clerk

Harvey M. Hall
Order Pub,
No

Jeremiah Harber et als

I, certify that I
delivered to the Editor
of Lee Co. Sentinel an
official copy of the
within order for
Publication on the
1st Octo, 1883, and
posted a like copy
on the 1st day of the
October Co. Court
1883. at the front
door of Lee Court
House.

J. A. Hyatt
Clerk

THE COMMONWEALTH OF VIRGINIA.

To The Sheriff Of Lee County Greeting :

We Command You to Summon

*Jeremiah Harben
and L. Q. Fulkerson Curator of Charles
Daugherty dec'd,*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in

October

next being rule day to answer a bill in Chancery exhibited in our said Court against *them*

by

Harvey M. Hall

And have then there this writ. Witness J. A. G. HYATT Clerk of our said Court at the Courthouse

This

1st

day of

October

188*3*

, in the 10

8 year of the Commonwealth.

J. A. G. Hyatt Clerk

The proper affidavit having been made, the Officer serving this process, will attach the 14 part of the Real Estate lately owned by Charles Daugherty dead, and the personal estate belonging to the said Charles which may be in the hands of J. D. Fulkerson Curator of the Est of Charles Daugherty dead,

(H. M.)

Harvey M. Hall
vs $\frac{3}{3}$ Spain Chcy
Jeremiah Daugherty

To October Rules 1883.

By virtue of the order of attachment endorsed hereon, I have executed the same by levying this process on one undivided fourteenth part of the Real Estate owned by Chas Daugherty at his death & now belonging to the defendant Jeremiah Harber & I have further executed the same by delivering a copy of this writ to the wife of the defn L. D. Fulkerson & explaining the same to her. The said L. D. Fulkerson not being at his usual place of abode & his said wife being a white person over 16 years of age.

OCT 2nd 1883.

J. H. Emery & S
Ex. D. for H. D. Fulkerson & Co.

J. H. Emery & S
Attys

Publisher's Certificate.

Jonesville, Va., Nov. 2nd, 1883

I, F. R. STICKLEY, Publisher of the LEE COUNTY SENTINEL, a weekly newspaper published at Jonesville, Lee County, Virginia, do certify that the annexed Chancery Order was published four successive weeks in said newspaper, publication ending Nov 9, 1883.

F. R. Stickley, Publisher.

VIRGINIA.—In the Clerk's office of the Circuit Court for Lee County, at the Court House thereof on Monday the 1st day of October 1883.
Harvey M. Hall, Pitf. }
vs } In Ch'cy.
Jeremiah Harber et als Defl. }

The object of this suit, is to recover against the defendant Jeremiah Harber the sum of \$50 00 with legal interest from the 1st day of January 1877 till paid and also \$1 00 as cost recovered before a Justice of the Peace; and to subject to the payment thereof one fourteenth part of the Real Estate lately owned by Charles Daugherty decd., and the personal Estate belonging to the Defendant Harber, which may be in the hands of L. D. Fulkerson, curator of the Estate of Charles Daugherty dec'd, and it appearing from an affidavit filed in this cause that the defendant Harber is a non resident of this State. It is ordered that he appear here with one month after due publication of this order, to do what may be necessary to protect his interest in this suit.

A Copy Teste,
H. J. Morgan P.Q., J. A. G. HYATT

Subscribed
\$5.00
2

~~44~~ M Hall

2 Pubns
1 Certificate

Jeremiah Haderley

Pubn per

\$5.00

Standing No. *414*

—IN—

LEE CIRCUIT COURT.

Pl'ffs ATTY. <i>Stam</i>	<i>Hall Harney</i>	Def'ts ATTY.
Pl'ffs costs. vs. { Bill in { Chancery. <i>Jeremiah Harber</i> <i>Sett</i>		Def'ts costs. \$
Total \$		\$

Reference Docket... / Page *33* Line *18*

1st calling.....Term 188.....

Decided *March*.....Term 188.....